IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.45 OF 2007

IN

WRIT PETITION NO.333 OF 2006

Mr.V.D.Haldavnekar .. Petitioner.

Versus

Municipal Corporation of Greater

Bombay & Anr. .. Respondents.

Ms.S.R.Natekar i/b.Uma G.Wagle for petitioner.

Mrs.Shobha Ajit Kumar for respondent (B.M.C.).

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th JULY, 2007.

P.C.:

1. Heard Mrs.Wagle, appearing for the petitioner and with her able assistance, perused the Contempt Petition and the annexures thereto so also the reply of the respondents.

2. The plea in this Contempt Petition is that pursuant to the order dated 8th March, 2006, the

respondents were to pay to the petitioner a certain sum after deducting Rs.15,000/-. The petitioner complaints that despite the repeated reminders, this order and direction has not been complied with and that is how the respondent should be proceeded with for contempt and breach thereof.

3. Unhappy and dissatisfied as I am with the state of affairs in the Corporation, which has resulted in a senior citizen and retired employee having to wait for receipt of the terminal / retiral dues, yet, considering the unconditional and unqualified apology tendered to this Court so also the gratuity amount having been sanctioned on 7th April, 2006, the cheque being ready on 17th April, 2006, collected by the petitioner on 6th June, 2006 so also encashed on 8th June, 2006, I am of the view that proceedings under Contempt of Courts Act,1971 need not be initiated in the peculiar facts of this case.

4. Mrs.Wagle on instructions states that the petitioner is not accepting that sum of Rs.1,63,557/- paid towards gratuity, denotes the full quantum of the terminal / retiral dues. She states that the petitioner is disputing the computation and calculation of the retiral dues and would take steps to challenge an order of the

Bombay Municipal Corporation, copy of which is annexed as Exh.2 to the affidavit-in-reply to this petition.

5. In my view, disposal of this contempt petition does not prevent the petitioner from challenging the order of the Corporation and all consequential actions by initiating appropriate proceedings. All such remedies are intact so also the rival contentions therein open. This petition is not the remedy to recover the sums and that is how accepting the apology on behalf of respondents, I dispose of the subject contempt petition with no order as to costs.

(S.C.Dharmadhikari, J.)